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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven D. Cheng

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EXAMINER

PORTIS, SHANTELL L

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,187	CHENG, STEVEN D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shantell Portis	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on July 3, 2006 under 37 CFR 1.131 is sufficient to overcome the Rollender, U.S. Publication No. 2005/0202799 reference.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This action replaces the previous final and is thereby made final.

### ***Response to Arguments***

Applicant's arguments, see pages 9-13, filed July 3, 2006, with respect to the rejection(s) of claim(s) 1-17 and 19-31 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kennedy, U.S. Publication No. 2004/0266389.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-17 and 20--31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (Timm), U.S. Patent No. 5,687,215 in view of Kennedy, U.S. Publication No. 2004/0266389.

Regarding Claims 1 and 17, Timm discloses an emergency call processing system and method (vehicular emergency message system) for mobile users, comprising: a receiver (response center), receiving emergency data calls from the mobile users (cellular handset) (Col. 2, lines 55-58) through a data network (Col. 2, lines 51-67 and Col. 3, lines 32-38), each of emergency data calls having a corresponding phone number (Col. 4, line 56-Col. 5, line 5; Col. 7, lines 33-44; Col. 7, lines 59-63 and Col. 8, lines 7-16); and a queuing system, prioritizing incoming emergency data calls (Col. 3, lines 3-7), and subsequently responding to each of the mobile users to address the emergency (Col. 6, lines 1-47).

However, Timm fails to disclose calling back by the corresponding phone number to each of the mobile users to address the emergency.

In the same field of endeavor Kennedy discloses a mobile phone amber alert notification system and method. Kennedy further discloses calling back by the corresponding phone number to each of the mobile users to address the emergency (when a subscriber responds automatically to an Amber Alert message the header portion, containing the subscribers phone number, is included automatically with the response for contacting the subscriber for more information- [0022] and [0023]).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Timm according to Kennedy for providing a means for

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contacting the subscriber for more information in regards to the emergency alert message [0023].

Regarding Claims 4 and 20, Timm discloses an emergency call processing system and method according to claims 1 and 17, wherein each of the emergency data calls carries caller phone number and a message reporting the emergency (Col. 4, lines 25-39; Col. 7, lines 59-63 and Col. 8, lines 7-16).

Regarding Claims 5 and 21, Timm discloses an emergency call processing system and method according to claims 4 and 20, wherein the message is selectively one of voice, image, text and combinations thereof (The message is displayed in the message center 27)(Col. 7, lines 50-53).

Regarding Claims 6 and 22, Timm discloses an emergency call processing system and method according to claims 4 and 20, wherein each emergency data call further carries location information or personal information for the caller (Col. 8, lines 11-16).

Regarding Claims 7 and 23, Timm discloses an emergency call processing system and method according to claims 1 and 17, wherein a confirmation message (acknowledgement tone) is sent to each mobile user upon receipt of a corresponding emergency data call (Col. 6, lines 2-17).

Regarding Claims 8 and 24, Timm discloses an emergency call processing system and method according to claims 7 and 23, wherein the confirmation message comprises assigned registration identification (data string)(Col. 6, lines 13-30).

Regarding Claim 9, Timm discloses an emergency call processing system according to claim 1, wherein mobile users submit emergency data call and replies to an emergency call center automatically (Timm mentions voice contact with the response center) using client software installed in user equipment (push buttons)(Col. 3, lines 1-16 and Col. 6, lines 31-33).

Regarding Claims 10 and 25, Timm discloses an emergency call processing system and method according to claims 9 and 24, wherein the user equipment changes to automatic hand-shaking mode after receiving a confirmation message (acknowledgement tone) from the emergency call center (Col. 5, lines 6-18 and Col. 6, lines 2-5).

Regarding Claims 11 and 26, Timm discloses an emergency call processing system and method according to claims 10 and 25, wherein the emergency call center solicits relevant information (displayed information) from mobile users in an alert message to the user equipment (Col. 6, lines 22-30)(The response center solicits displayed information from the user during communication).

Regarding Claims 12 and 27 Timm discloses an emergency call processing system and method according to claims 11 and 26 as described above.

Timm fails to disclose wherein the alert message is sent via short message system (SMS).

Kennedy further discloses wherein the alert message (Amber Alert) is sent via short message system (SMS) [0014, 0015 and 0029].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Timm according to Kennedy to send short messages so that a single message can be sent regardless of the technology platform used [0014] and to provide for a variety of means for communicating [0029] that can also be preprogrammed with a specific message for automatically generating a reply [0006].

Regarding Claims 13 and 28, Timm discloses an emergency call processing system and method according to claims 11 and 26, wherein the user equipment returns relevant information (displayed information) to the emergency call center automatically upon receipt of the alert message (Col. 6, lines 22-30)(During communication with the response center, the user is able to respond with the displayed information).

Regarding Claims 14 and 29, Timm discloses an emergency call processing system and method according to claims 13 and 28, wherein the user equipment also returns registration identification (identification of the user), provided beforehand by the emergency call center, with the relevant information (Col. 6, lines 22-30).

Regarding Claims 15 and 30, Timm discloses an emergency call processing system and method according to claims 13 and 28, wherein the emergency call center utilizes an interleaving approach to periodically communicate with user equipment (Col. 5, lines 2-5; Col. 6, lines 31-42 and Col. 6, lines 58-63)(The system controller monitors the communication channel to make sure that the connection is not interrupted).

Regarding Claims 16 and 31, Timm discloses an emergency call processing system and method according to claims 11 and 26, wherein relevant information

comprises location (position obtained from the GPS receiver), caller's physical condition, current surrounding images, or combinations thereof (Col. 6, lines 22-30).

5. Claims 2, 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm and Kennedy in view of Burkhart et al. (Burkhart), U.S. Publication No. 2005/0153688.

Regarding Claims 2, 3 and 19, the combination of Timm and Kennedy discloses an emergency call processing system and method according to claims 1 and 17 as described above. Timm further discloses the queuing system further comprising: a sorter (two push buttons that identify either roadside or emergency assistance), categorizing emergency data calls and prioritizing for each upon receipt from the first waiting buffer (the response center prioritize the request from the user based on which button is pushed or category selected); and prioritized waiting buffers, receiving and storing emergency data calls from the sorter (for such system, it is inherent to include buffers for receiving and storing data), wherein each prioritized waiting buffer is assigned to a different level of priority (it is inherent that there is a different buffer for each of the levels of priority), and stores the emergency data calls with a corresponding level of priority (Timm, Col. 3, lines 1-10).

However, the combination fails to explicitly recite the queuing system further comprising: a first waiting buffer, storing incoming emergency data calls in a first-in-first-out (FIFO) manner; at least one processing unit responding from the prioritized waiting buffers according to their corresponding priority in a FIFO manner and wherein the processing unit is operated by either operator or automated system.



In a similar field of endeavor, Buckhart discloses a displaying help resources associated with prioritized help messages. Buckhart further discloses the queuing system further comprising: a first waiting buffer, storing incoming emergency data calls in a first-in-first-out (FIFO) manner; at least one processing unit responding from the prioritized waiting buffers according to their corresponding priority in a FIFO manner and wherein the processing unit is operated by either operator (the user engages the help button) or automated system [0095 and 0096].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Timm and Kennedy according to Buckhart to provide such a system for predetermining the priority of a device and to first provide help to the device with higher priority [0097] and [0110].

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooks, U.S. Pub. No. 2002/0197977 discloses a control and messaging during emergency calls.

Baldwin, U.S. Pub. No. 2005/0003797 discloses a localized cellular awareness and tracking of emergencies.

Rollender, U.S. Pub. No. 2005/0202799 discloses a method of associating data with a call to a call center.

Erickson, U.S. Patent No. 5,457,735 discloses a method and apparatus for queuing radio telephone service requests.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SLP

  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**